

# Enter the youth, a protagonist behind the scenes

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The 1992 Rio Declaration [suggested](#) that young people would soon become protagonists in international law-making. Accordingly, it should be no surprise that the youth has become louder and louder in voicing its concerns. Yet, scholars appear not to have acknowledged that change. For while international law becomes more [humanised](#), international bodies jettison their ‘states-only’ requirement, and climate change haunts future generations – commentators keep postponing the theorisation of young people’s agency. We argue that remedying this failure would allow to unveil the contribution of the youth to making international governance more democratic and legitimate, as well as to foster intergenerational justice. We develop that claim by paying particular attention to the field of international environmental law.

Over the last year, we have seen Fridays for Future groups not only organise global climate strikes, but also dominate international political debates. In September 2019, child petitioners from 12 countries [filed](#) a landmark complaint to the UN Committee on the Rights of the Child to protest the lack of government action on the climate crisis. The youth form the seventh [constituency](#) to join climate negotiations since 2009. And in the UN system, states have been allowed to include young people in their official [delegations](#) for almost 25 years now. So, how is the *current* contribution of the youth reflected in international legal scholarship? The truthful answer is: ‘not at all’ — for saying ‘very little’ would be much of an overstatement. While most commentators [acknowledge](#) that young people deserve to see their agency recognised, in fact, an assessment of the extent to which they already have a say on matters affecting them appears to be largely absent. So, how can we make sense of the discrepancy between the practical contribution of the youth, its reception by international agreements, and a persisting under-theorisation in international legal scholarship? Is youth participation politically or normatively overrated, or do young people belong to the ranks of the unseen actors in international law? To address these questions, one should perhaps begin by teasing out some arguments in support of envisaging the youth as a relevant international actor.

Including non-state actors into the international system is often associated with the quest to make international governance more accountable and democratic (see e.g. [McGrew](#)). Through stakeholder participation, concerns that have been either ignored or marginalised at the national level can be bundled and articulated in the international realm. The youth comprises [more than 40%](#) of the world’s population. Given that the average state representative is approximately [53 years old](#), therefore, involving young actors in international decision-making processes would allow young people’s positions to be better represented. Today, the conviction that institutional bodies should never reflect a men-only composition seems to be gradually [spreading](#). A similar awareness should perhaps extend to decision-making:

while young people [do not claim](#) to be capable of contributing expertise, they do have opinions about policy which often appear under-represented. As a result, adult-only policy-setting processes must also be called into question. Nevertheless, this approach faces the same 'second bite of the apple' [criticism](#) that is commonly raised against NGO participation. Given that young people in some countries already have the chance to intervene in decision-making on the national level, the objection goes, they would be doubly rewarded by gaining another chance to participate in the international realm. It is in particular in the Global South, however, that young people are often [excluded](#) from national politics. Giving them at least the chance to voice their concerns on the international level would ensure that their perspectives no longer remain unheard. Accordingly, the democratic gain associated with young people's participation must not be discounted. A practical question, however, is whether only young people can represent their interests, or whether asking that state representatives take into greater account the demands of the youth would be a more feasible solution.

Giving the youth an active role in international law-making could also foster intergenerational justice. Young people are often seen as a voice that brings in the demands of future generations, such as preventing developments that threaten the environment. Today's international decisions affect what tomorrow will bring. How this should be reflected in legal theory remains disputed, however. The majority of scholars, for instance, [reject](#) the idea that the all-possibly-affected principle allows taking into account the rights of children and future generations. Evidently, we cannot engage in actual deliberation with persons that do not exist or cannot speak to us yet. But is the same not true for other constituencies? Some scholars argue, for instance, that we should [reconceive](#) our understanding of animals as sentient subjects of international norms. For these and similar categories of subjects, the question arises how to represent the interests of those who cannot stand for themselves. Besides, young people already belong to the group of people that is going to be affected the most by the worsening of cross-border problems such as extreme-weather conditions. Several reports have recently [argued](#) that the life of every child born today will be profoundly affected by climate change.

Another advantage is that taking into account the youth would make international decision-making more legitimate. Indeed, legal scholarship often interprets public [participation](#) as a strategy to remedy the legitimacy deficit on the international level. Climate movements are in the end a demand for being heard, a statement that young people do not feel that their concerns are taken into account. By giving the youth opportunities to convey their perspectives in decision-making processes, the chances that young people will accept the outcome of such processes as legitimate increase. Importantly, the youth's bid at participation should not be seen as resting on epistemological grounds. Again, young people do not claim *that they know better* – they only insist that the international community must not ignore the facts presented by environmental experts. What forms youth participation should take remains disputable, however. There is no such thing as *the* voice of the youth, which cannot be considered a homogenous group. Although Fridays for Future movements might seem to ask for a unitary global climate policy, their voice remains one piece of a bigger puzzle. Naomi Seibt, also known as the "[Anti-Greta](#)", would

strongly disagree with demands for a green revolution. Perhaps more pertinently – and without [disregarding](#) inspiring exceptions – we may venture to wonder whether addressing climate change features among the utmost priorities of young people in the Global South.

Long before the climate crisis unfolded and movements like Fridays for Future emerged, the International Court of Justice [clarified](#) that international law evolves by reflecting the changing requirements of international life. At the current historical juncture, considering the youth as an actor in international law as a response to societal changes can bring about advantages and disadvantages. However, clarifying who is actually shaping decision-making instead of using the same brush to paint women, indigenous people, children, lawyers, and the youth would result in a better understanding of the important changes that have recently affected global governance. As [Megiddo writes](#), far from simply examining how international law operates between states, international legal scholarship must aim to explain how such a law is made, implemented, interpreted and developed by ordinary people. It is therefore surprising that scholars still fall short of portraying the youth as an active participant in the international legal system.

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